

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

SUMIT GARG,

Defendant.

CASE NO. CR21-0045-JCC

ORDER

This matter comes before the Court on Defendant's motion for return of passport and extension of time (Dkt. No. 960) and his motions to seal (Dkt. Nos. 955, 961), along with the Government's motion for an extension (Dkt. No. 937). Upon consideration of the motions and the relevant record, the Court DENIES Defendant's motion for return of passport (Dkt. No. 960), GRANTS both requests for an extension of time (Dkt. Nos. 937, 960), and GRANTS Defendant's motions to seal (Dkt. Nos. 955, 961) for the reasons stated herein.

Defendant first moves this Court to order the Government to return his "unexpired passport." (Dkt. No. 960 at 1.) However, the Government asserts it is not in possession of any such passport. (Dkt. No. 966 at 1–2.) And nothing in the record indicates that the Government has obtained Defendant's passport. Accordingly, Defendant's request for return of his passport (Dkt. No. 960) is DENIED.

In the same motion (Dkt. No. 960), Defendant requests an extension of the deadline to

1 submit his reply in support of his motion for return of property (Dkt. No. 935). The Government  
2 does not oppose. (*See* Dkt. No. 966 at 2.) Accordingly, Defendant's request is GRANTED.  
3 Defendant has until August 15, 2024, to submit his reply. The Clerk is DIRECTED to re-note  
4 Docket Number 935 to August 15, 2024.<sup>1</sup>

5 Finally, Defendant moves to seal certain documents, including Exhibit A of his  
6 sentencing memorandum (Dkt. No. 956), Exhibit B of his objections to the presentence report  
7 (Dkt. No. 962), and Exhibits 1 and 6 of his reply in support of his motion for a new trial (*id.*).  
8 (*See* Dkt. Nos. 955, 961.) While the public has a common law right to inspect and copy public  
9 records, including those from judicial proceedings, these rights are not absolute. They must yield  
10 when (1) sealing a document serves a compelling interest, (2) that is substantially likely to be  
11 harmed if the document is not sealed, and (3) there are no less restrictive alternatives for  
12 protecting the interest. *See United States v. Doe*, 870 F.3d 991, 998 (9th Cir. 2017). Given the  
13 nature of the information contained in the materials at issue, these criteria are met here.  
14 Accordingly, the motions to seal (Dkt. Nos. 955, 961) are GRANTED and the Clerk is  
15 DIRECTED to maintain Docket Numbers 956 and 962 under seal.

16 DATED this 19th day of July 2024.

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John C. Coughenour  
UNITED STATES DISTRICT JUDGE

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<sup>1</sup> The Government previously requested an extension to the deadline to respond to Defendant's motion for return of property. (*See* Dkt. No. 937.) That motion is also GRANTED.